

Message Text

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ACTION L-03

INFO OCT-01 NEA-10 ADP-00 SCA-01 JUSE-00 RSR-01 RSC-01

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R 181352 Z MAY 73

FM AMEMBASSY TEL AVIV

TO SECSTATE WASHDC 8477

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E. O. 11652: N/ A

TAGS: PFOR, CPRS, IS

SUBJ: EXTRADITION - THEFT OF MOTOR VEHICLES

REF: STATE 083143

1. MFA (HESS) INFORMED EMBASSY MAY 18 THAT GOI CANNOT ENTERTAIN REQUEST FOR EXTRADITION IF INDICTMENT IS COUCHED STRICTLY IN TERMS OF " TRANSPORTING IN INTERSTATE COMMERCE A VEHICLE KNOWING IT TO HAVE BEEN STOLEN" INASMUCH AS NO SUCH CRIME IS RECOGNIZED IN ISRAEL. HESS POINTEDOUT THAT IMPORTANT ELEMENT OF EXTRADITION CASES IS INDICTMENT AND EVIDENCE OFFERED IN SUPPORT OF INDICTMENT AND NOT EXTRADITION REQUEST ITSELF. THEREFORE, POSSIBILITY OF EXTRADITION UNDER ITEM 12, ARTICLE II OF TREATY APPEARS DOUBTFUL.

2. EMBASSY INQUIRED IF GOI WOULD HAVE SIMILAR OBJECTIONS TO EXTRADITION UNDER ITEM 17, ARTICLE II OF TREATY SINCE INDICTMENT APPARENTLY INCLUDES " RECEIVING, CONCEALING, SELLING OR DISPOSING OF A MOTOR VEHICLE MOVING AS, OR WHICH IS A POAR OF, OR WHICH CONSTITUES INTERSTATE COMMERCE, KNOWING THE VEHICLE TOHAVE BEEN STOLEN." HESS REPLIED THAT ON FACE OF IT THIS WOULD BE EXTRADITABLE OFFENSE WHICH IS COVERED BY ISRAELI LAW I. E. SALE OR RECEIPT OF STOLEN MOTOR VEHICLES.

3. EMBASSY RECALLS CASE OF STEVEN IVAN ROSS IN WHICH ISRAELI COURT HELD ROSS WAS EXTRADITABLE UNDER ALL COUNTS INCLUDING LIMITED OFFICIAL USE

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COUNT I OF INDICTMENT WHICH WAS FOR TRASNPORTING IN INTERSTATE
COMMERCE DIANA CARRIOR WHO HAS BEEN KIDNAPPED. DEPENDING
ON WORKING OF INDICTMENT, ROSS CASE MAY BE HELPFUL PRECEDENT
FOR AUTO- THEFT CASE. HOWEVER, ROSS CASE IS STILL UNDER
APPEAL AND SINCE HIGH COURT HAS NOT YET HEARD CASE,
PRECEDENT IS NOT FIRMLY ESTABLISHED.

4. IN ANY EVENT, IF IT IS DECIDED TO PROCEED WITH EXTRADITION
REQUEST EMBASSY ASSUMES REQUEST WOULD BE FOR EXTRADITION
FOR ALL COUNTS OF INDICTMENT. IF, HOWEVER, ISRAELI COURT THEN
FOUND SUBJECT NON- EXTRADITABLE UNDER ONE OR MORE COUNTS BUT
EXTRADITABLE UNDER OTHERS EMBASSY ASSUMES ARTICLE XIII OF
THE TREATY WOULD APPLY AND JUSTICE DEPARTMENT COULD PROCEED
AGAINST DEFENDANT ONLY ON THOSE COUNTS UNDER WHICH HE WAS
DECLARED EXTRADITABLE.
ZURHELLEN

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*** Current Classification *** LIMITED OFFICIAL USE

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